

STATE OF COLORADO

Bill Ritter, Jr., Governor
James B. Martin, Executive Director

Dedicated to protecting and improving the health and environment of the people of Colorado

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Colorado Department
of Public Health
and Environment

December 23, 2008

Jenn Kindsvatter, Assistant Construction Manager
Ridemore Enterprises, Inc.
703 23 2/10 Road
Grand Junction, CO 81505

Certified Mail Number: 7006 2760 0003 4262 3020

RE: Expedited Settlement Agreement, Number: ES-081223-2
CDPS Permit No: COR – 039947

Dear Ms. Kindsvatter:

Enclosed for your records you will find Ridemore Enterprises, Inc.'s copy of the recently executed Expedited Settlement Agreement ("ESA"). Please be advised that the first page of the ESA was changed in order to place the correct ESA Number on the final document. The ESA is now fully enforceable and constitutes a final agency action.

As specified in the enclosed ESA, Ridemore Enterprises, Inc. must, within fifteen (15) calendar days, submit a certified or cashier's check for the amount specified in the ESA to the Water Quality Control Division in order for this matter to be resolved.

If you have any questions, please don't hesitate to contact Danelle Morgan at (303) 692-3176 or by electronic mail at danelle.morgan@state.co.us.

Sincerely,

Kristi-Ray Beaudin, Legal Assistant
Water Quality Protection Section
WATER QUALITY CONTROL DIVISION

cc: Mesa County Health Department

ec: Aaron Urdiales, EPA Region VIII
Gary Beers, Permits Unit, CDPHE

Enclosure(s)



Colorado Department of Public Health & Environment
Water Quality Control Division

EXPEDITED SETTLEMENT AGREEMENT

Number: ES-081223-2

The Colorado Department of Public Health and Environment ("Department"), through the Water Quality Control Division ("Division"), issues this Expedited Settlement Agreement ("ESA"), pursuant to the Division's authority under §§25-8-602, 25-8-605 and 25-8-608, C.R.S. of the Colorado Water Quality Control Act (the "Act") §§25-8-101 to 703, C.R.S., and its implementing regulations, with the express consent of Ridemore Enterprises, Inc. ("Ridemore"). The Division and Ridemore may be referred to collectively as "the Parties."

1. Ridemore is a "person" as defined under the Water Quality Control Act, §25-8-103(13), C.R.S. and its implementing permit regulation, 5 CCR 1002-61, §61.2(73).
2. Ridemore is conducting construction activities to build a single family residential development located in or near the Town of Fruita, Mesa County, Colorado (the "Project").
3. Ridemore failed to comply with the provisions of its Colorado Discharge Permit System General Permit for Stormwater Discharges Associated with Construction Activity (the "Permit"), Certification Number COR-039947 as described in the attached inspection report.
4. The parties enter into this ESA in order to resolve the matter of civil penalties associated with the violation(s) alleged herein and in the attached inspection report for a penalty of \$12,750.00.
5. By accepting this ESA, Ridemore neither admits nor denies the violations or deficiencies specified herein and in the attached inspection report.
6. Ridemore certifies that all deficiencies identified in the attached inspection report have been corrected and that the Project is currently in full compliance with the terms and provisions of the Permit. Additionally, Ridemore has attached to this ESA: (1) a written description detailing how the deficiencies were corrected; and (2) representative photographs documenting the current conditions and the associated BMPs implemented at the Project.
7. Ridemore agrees to the terms and conditions of this ESA. Ridemore agrees that this ESA constitutes a notice of alleged violation and an order issued pursuant to §§25-8-602, 25-8-605 and 25-8-608, C.R.S., and is an enforceable requirement of the Act. By signing the ESA, Ridemore waives: (1) the right to contest the finding(s) specified herein and in the attached inspection report; and (2) the opportunity for a public hearing pursuant to §25-8-603, C.R.S.
8. This ESA is subject to the Division's "Public Notification of Administrative Enforcement Actions Policy," which includes a thirty-day public comment period. The Division and Ridemore each reserve the right to withdraw consent to this ESA if comments received during the thirty-day period result in any proposed modification to the ESA.

9. This ESA constitutes a final agency order or action upon the date when the Executive Director or his designee signs the ESA and effectively imposes the civil penalty.
10. Ridemore agrees to the following payment plan:
 - a. Within fifteen (15) calendar days of receiving the signed and final ESA from the Division, Ridemore shall submit a certified or cashier's check drawn to the order of the "Colorado Department of Public Health and Environment," for one third (\$4250.00) of the amount specified in paragraph 4 above.
 - b. Within six (6) months of the date when the Executive Director or his designee signs the final ESA and effectively imposes the civil penalty, Ridemore shall submit a certified or cashier's check drawn to the order of the "Colorado Department of Public Health and Environment," for one third (\$4250.00) of the amount specified in paragraph 4 above.
 - c. Within one (1) year of the date when the Executive Director or his designee signs the final ESA and effectively imposes the civil penalty, Ridemore shall submit a certified or cashier's check drawn to the order of the "Colorado Department of Public Health and Environment," for one third (\$4250.00) of the amount specified in paragraph 4 above.

These payments shall be mailed to:

Danelle Morgan
Colorado Department of Public Health and Environment
Water Quality Control Division
Mail Code: WQCD-CADM-B2
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

11. Notwithstanding paragraph 5 above, the violations described in this ESA will constitute part of Ridemore's compliance history for purposes where such history is relevant. This includes considering the violations described above in assessing a penalty for any subsequent violations against Ridemore. Ridemore agrees not to challenge the use of the cited violations for any such purpose.
12. This ESA, when final, is binding upon Ridemore and its corporate subsidiaries or parents, their officers, directors, employees, successors in interest, and assigns. The undersigned warrant that they are authorized to legally bind their respective principals to this ESA.

ACCEPTED BY RIDEMORE ENTERPRISES, INC.:

Joe A. Mahnke 9/12/08
Signature Date
Joe A. Mahnke President
Name (printed) Title

FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH & ENVIRONMENT:

Lori M. Gerzina Date: 12/19/08
Lori M. Gerzina, Section Manager
Compliance Assurance and Data Management Section
WATER QUALITY CONTROL DIVISION

Ridemore Enterprises, Inc.

June 5, 2007

703 23 2/10 Road
Grand Junction, CO 81505
Phone (970) 242-7444
Fax (970) 242-7454

Response to Inspection: STORMWATER INSPECTION REPORT for CERT. NO. COR-03 9947 on 5/9/07 Inspector: Brenner Perryman (PG Environmental, LLC)

SWM Field Contacts: Ed Wilson & Keith Davis

Facility: Echo Canyon Estates 1185 18 Road Fruita, CO in Mesa County

Echo Canyon Storm Water Management Plan Corrections

In response to 1a regarding Site Description please refer to our SWMP Section I Sub-Section D.

In response to 1b, 1c and 1d regarding BMP's for Stormwater Pollution Prevention please refer to our SWMP Section II and note copy of the Onsite Materials Handling is located at the jobsite at all times.

In response to 1e regarding Other Controls please refer to our SWMP Section II.

Echo Canyon Storm Water Management Photograph Inspection

In Response to Observation #2 -

(Inspection Photograph 1) This item was immediately remedied by applying a Haystack BMP to prevent the discharge of sediment beyond the sediment pond.

Please refer to Corrective Measures Photographs 1 and 2.

In Response to Observation #3 -

(Inspection Photographs 2 and 3) This item was immediately remedied by applying a Wattle BMP to prevent discharge of sediment offsite to the irrigation inlet.

Please refer to Corrective Measures Photographs 3 and 4.

In Response to Observation #4 -

(Inspection Photograph 4) This item was immediately remedied by applying a new Wattle BMP completely around the storm sewer drain and clearing any sediment or debris from the top of the drain's grate and maintaining the item daily.

Please refer to Corrective Measures Photograph 5.

In Response to Observation #5 -

(Inspection Photograph 5) This item was immediately remedied by securing the portable toilet with a on all sides of the portable toilet to prevent chemical, sanitary waste or pollutant spills from the toilet.

Please refer to Corrective Measures Photograph 6.

In Response to Observation #6 -

(Inspection Photograph 6) This item was immediately remedied by applying more rock to the track pad refer to Corrective Measure Photograph 7.

****The following photo was added to the duplicate response and was not included in the original response; it is intended for additional documentation****

As of June 26, 2007 the track pad was completely eliminated and was permanently established with a paved asphalt road into the subdivision off 18 Road. (See Photograph 8)

ECHO CANYON STORMWATER MANAGEMENT PLAN

(Revisions 6/5/2007)

I. Site Description

A. Estimates of areas:

1. Residential Lots – 6.798 Acres
 2. Outlots – 2.191 Acres
 3. Streets- 2.768 Acres
 4. Park-1.333 Acres
 5. Total Outlots- 4.101 Acres
 5. Ded. Road R.O.W – 0 Acres
- Total of disturbed areas = 17.488 Acres

C. Existing vegetation:

1. Vegetation and ground cover is moderate, averaging from 25-30% coverage. It is mainly comprised of native grass varieties and small brush consistent with the area.

D. Potential pollution sources:

1. On-Site construction equipment; their vehicular traffic, fueling, and maintenance operations present the potential for spills and leaks of such chemicals as: diesel fuel, engine oil and/or lubricants, hydraulic fluid, and anti-freeze.
2. Usage of portable toilet facilities also presents potential for pollution.

E. Discharges:

1. There are no anticipated discharges from the project site.

F. Receiving waters:

1. Stormwater run-off that is of sufficient quantity to be free-flowing, will be collected in street gutters and flow to the detention pond area or inlets indicated on the site plan. The BMP's installed at both inlets and in the outlet at the detention pond will allow storm water run off to enter the existing storm drainage system and which will ultimately merge with the Gunnison River.

II. Temporary and Permanent BMP's for Pollution Prevention

A. BMP's during construction activity

1. Outlet protection

- a) Outlet protection in the detention area will be maintained by the permittee on an incremental basis of no more than 14 days and in any instance of immediate maintenance when visible defects are noticeable. The maintenance of this BMP should include, but is not limited to, Resetting or replacing of; wire screen, gravel filter,

concrete blocks, wood stud, and removal of collected silt back to the site property.

2. Inlet Protection

- a) Inlet protection will be placed at the storm water inlet locations noted on the site plan, as construction of these collection facilitates progress. The maintenance of this BMP will include, but is not limited to, setting and maintaining of, gravel filter socks, straw wattles, hay bales, and immediate removal of collected silt back to the site property in any given storm event.

3. Dust Control

- a) Wind activity of significant speeds can disturb exposed soils and effect the off-site migration of fugitive pollution laden emissions. Water will be applied during these events to suppress the off-site migration of pollutants. Water trailers are not to be used for street cleaning. The local street sweeping company will be called as needed for street pick up. All street sweeping pick up materials are to be placed in the concrete washout area designated on the site plan.

4. Off-Site Soil Tracking

- a) A track pad consisting of 1.5" crushed rock was installed at the entrance to Echo Canyon stretching 50 feet back from 18 Road to limit off-site soil tracking. This track pad will be eliminated in June 2007 at the time of asphalt paving.

B. Materials Handling and Spill Prevention and Control

1. Material Storage

- a) The storage and handling of construction material(s) will be managed according to company prescribed procedures and policies and as detailed here. Where possible storage areas and/or materials will be covered and routinely inspected. These policies will be communicated to all contractors, subcontractors, and vendors for proper adherence.

2. Waste Management

- a) Receptacles for construction and other non-hazardous site generated wastes will be provided for material disposal. Receptacles will be; marked, kept closed, monitored, maintained, and emptied at regularly scheduled intervals, and as needed.

3. Spill Prevention, Control and Potential Hazardous Material Handling
(PORTALET EMERGENCY & MAINTENACE PHONE – ROCKY
MOUNTAIN SANITATION 970-243-9812)

- a) Materials other than soils that are referenced in Section I-F *Identified, Potentials Pollution Sources*, will be monitored for safe storage, handling, and use. For bulk storage of fuels or other potential pollutants on site, secondary containment will be installed as a leak/spill control measure. Portable toilet facilities will be secured and located away from anticipated flow lines.
- b) Spill Response Procedures – In the event of fuel storage containment failure or other spills, instructions will be posted on-site for the Owner and /or the Owner's representative to be

contacted. The owner or the Owners Representative will be residing locally during the construction activities and will be able to respond immediately. Once on-site, a determination will be made by the Owner or the Owner's Representative whether the nature of the spill warrants the notification of additional authorities. Advance preparations will be initiated by the Permittee to ensure a prompt and effective response to any spills. These preparations include an action plan to stop/control further leakage, and remove residual pollutants and contaminated materials. These preparations also include the procurement and on-site storage of sorbent materials for clean-up procedure; preparations for disposal containers for clean up materials and contaminated soils.

4. Stockpile Management and controls

- a) The temporary stock pile on the jobsite will be located in a manner that will not directly affect the functions of the installed BMP's or create run off hazards, if these hazards cannot be avoided the SWMP will be changed to include new BMP's for stockpiles.
- b) The inspections of the stock pile at time of placement shall determine if additional BMP's are to be used. These BMP's, if installed, are to be reported as stated in Section III of the document.

5. Clean Up and Response Procedures

- a) Non Hazardous Materials (such as gasoline, paint or oil in small quantities) the following shall be implement for the clean up:
 1. Absorbent materials to contain the spills and clean the area of residue.
 2. Dispose of the absorbent materials properly.
 3. Do not hosed down spill area with water
- b) Non Hazardous Materials (such as gasoline, paint or oil in quantities that qualify as a significant spill) the following shall be implemented for the clean up:
 1. Contact the CDPHE 24 Hour Environmental Emergency Spill Reporting Line (1-877-518-5608) within 24 hours of the spill event. A written notification to CDPHE is required within 5 days.
 2. Contact the Colorado State Patrol 24-hour Hotline (1-303-239-4501) if the spill is on a state highway.
 3. Report spill to project manager who will be required to report the spill to the permittee within 24 hours of incident.
 4. Clean up spills immediately using absorbent material if the spill is on and impermeable surface. Construct a slightly compacted earth like dike to contain a spill on dirt areas. If rainfall is present at the time of the spill cover the spill with a tarp to prevent contaminating runoff.

- c) Hazardous Materials Spills – the following measures shall be implemented in the clean up
 - 1. Contact the local emergency response team 911.
 - 2. Contact the CDPHE 24 Hour Environmental Emergency Spill Reporting Line (1-877-518-5608) within 24 hours of the spill event. A written notification to CDPHE is required within 5 days.
 - 3. Contact the Colorado State Patrol 24-hour Hotline (1-303-239-4501) if the spill is on a state highway
 - 4. Clean up of the spill must occur immediately by a licensed contractor knowledgeable to clean the spill or a HazMat team.
 - 5. Construction personnel shall not try to clean up the spill.

III. Site BMP Inspection, Maintenance and Record Keeping

1. BMP Inspections

- a) The Colorado Department of Public Health and Environment – Water Quality Control Division (CDPHE) permit, *Stormwater Discharges Associated with Construction Activity*, will be the guiding document for the field and administrative requirement during the life of the permit for this project. Hence, the permittee will execute the required inspections of site conditions and installed BMP's for impact and/or required maintenance. Inspections will take place at least every 14-calendar days and within 24-hours of a significant storm event.
- b) Inspection Procedures – The permit-required inspections will be conducted as follows:
 - ii. All disturbed areas will be inspected for any existing or the potential for any erosion or conveyance of sediment across or off the site. Access point(s) will be inspected to ensure that off-site tracking is minimized and no off-site tracking is evident.
 - iii. All physical BMP's are installed as detailed in this SWMP and are effective in their size, quantity, location, installation and application. Whether maintenance, repairs, cleaning, replacement, or additional installations/modifications are required to improve effectiveness. ****Note – All modifications are to be documented in the SWMM****
 - iv. All site inlet and outlet discharge points will be inspected for evidence of blockages, sedimentation and/or contaminating pollutants.
 - v. All materials handling, storage, waste areas and equipment will be inspected for containment, procedure adherence, leaks, spills, contamination or other inconsistencies.
 - vi. Determine if any modifications are required to this SWMP to match the evolving site conditions and phases of construction.

- vii. Prepare a written report as a record of the inspection, any findings and course of action.
2. Maintenance Procedures
 - a) Subsequent to regularly conducted inspections, any required maintenance, repairs, modification, replacement, or cleaning of BMP features will be completed within 14 calendar days, as directed in CDPHE permit. Damaged installations that are crucial components to the pollution prevention BMP system will be attended to as soon as is possible. Records of all such maintenance activities will be logged and kept on file with the inspection records. Any contaminants that are cleaned and removed from installed features will be disposed of properly. Sections of silt fencing and check dams that receive concentrated levels of stormwater activity and experience heavy sedimentation will be cleaned out before sedimentation levels reach one-half the height of the installation.
3. Record Keeping Procedures
 - a) An on-site log will be maintained with records of; all inspections, a copy of the SWMP, and SWMP modifications, the CDPHE permit, maintenance activities, spills/leaks/illicit discharges, training and any other documents pertinent to the execution of the Stormwater Management Plan and erosion control activities.

IV. Non-Stormwater Discharges

1. Anticipated Discharges -- No non-stormwater discharge sources have been observed or are anticipated at this project site.

V. BMP Schedule

PHASE 1 - PREWORK

1. Track pad will be installed on 4/25/06 prior to any work.
2. Dust control measures are to be modified prior to any work.
3. Fueling area BMP/container to be installed on Lot 3, Blk 3 at the time of track pad.
4. Portalet to be delivered and staked into ground on Lot 1 Blk 2.
5. Concrete washout area to be designated in the north east corner.
6. Preservation of the existing vegetation along the north and west boundaries is required.

****NOTE – any additions or changes to this schedule to be noted in the SWMP****

PHASE 2 - WORK

1. Dust control in action – water trailer or tanker consistently used with earth moving work. (not to be used excessively or on impervious surfaces)
2. South and west property line berms to be cut prior to clear and grub approximately in July 2007.
3. Street sweeping of primary access roads as needed.
(Local company – note washout at north east corner)
4. Install curb socks as soon as concrete has cured

5. Install hay bales the day of the detention pond outlet installation occurs.
6. Install wattles at area inlets along the south and west property lines upon pipe placement with grates in place.
7. Remove track pad and barricade entrances to the subdivision the night before asphalt paving.
8. Schedule street sweeping for internal streets as needed
(Note washout at north east corner)

****NOTE – any additions or changes to this schedule to be noted in the SWMM please refer to section 10 (page 80) for proper BMP installation procedures.****

PHASE 3 – FINAL STABILIZATION

1. All rock sock inlet protectors are to remain in place through-out the lot construction phases and not removed until there is no further threat of contamination. The hay bales located at the detention pond are to be removed after 1 year of turf growth or upon turf maturity of the entire detention area. All area inlet wattles are to remain in place until the prescribed lots are fully developed with landscaping in place. Until this happens the Echo Canyon HOA is responsible for the maintenance of the inlets once the permit transfer has been completed. Street sweeping will continue on an as needed basis and will be the responsibility of the Echo Canyon HOA once the permit transfer is complete.
2. Seeding the designated park area.
3. Planting the out lot areas on 9/2008
4. As each lot is sold a stormwater transfer form will be signed by the new owner and a new permit will be assigned in their name and they will become responsible for maintaining the approved drainage plan.
5. Approximately 2/2008 the Echo Canyon HOA will hold the SWM permit for inlets and all open spaces.

Ridempore Enterprises
Corrective Measures Photographs (Echo Canyon)



*Ridemore Enterprises
Corrective Measures Photographs (Echo Canyon)*

